SPLOS/WP.5
31 March 1998

ORIGINAL: ENGLISH

MEETING OF STATES PARTIES
Eighth meeting
New York, 18-22 May 1998

DRAFT BUDGET PROPOSALS OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA FOR 1999

Prepared by the Tribunal

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 9	3
II.	WORK PROGRAMME AND BUDGET OF THE TRIBUNAL (JANUARY-DECEMBER 1999)	10 - 98	4
	Part One. Work to be undertaken by the Tribunal during 1999	10 - 20	4
	Part Two. Estimates of recurrent expenditure	21 - 90	7
	A. Members of the Tribunal	21 - 32	7
	1. Remuneration and allowances	21 - 26	7
	2. Computation of budgetary estimates	27	8
	3. Judges' Pension Scheme	28	8
	4. Travel of judges to sessions	29 - 30	8
	5. Remuneration and other costs in respect of judges ad hoc and experts	31	9
	6. Total budgetary provision for judges	32	9

98-09103 (E)

/...

CONTENTS (continued)

	Paragraphs	Page
B. Staff of the Registry	33 - 70	9
1. Established posts	33 - 38	9
2. Post requirements	39 - 67	10
3. Common staff costs	68	14
4. General temporary assistance	69	14
5. Overtime	70	14
C. Representation allowance	71	14
D. Official travel	72	14
E. Communications	73 - 74	15
F. Supplies and materials	75	15
G. Printing (documents and publications)	76	15
H. Conference services	77 - 79	15
I. Maintenance of premises	80 - 81	16
J. Rental and maintenance of equipment	82 - 84	16
K. Hospitality	85	16
L. External audit	86	16
M. Library: Procurement of books and publications	87 - 89	17
N. Miscellaneous services	90	17
Part Three. Non-recurrent expenditure	91 - 94	18
A. Purchase of equipment	91 - 93	18
B. Special equipment for the Library	94	18
Part Four. Working Capital Fund	95 - 98	18

I. INTRODUCTION

1. The International Tribunal for the Law of the Sea was established by the 1982 United Nations Convention on the Law of the Sea. The 21 judges of the Tribunal were elected by the Meeting of States Parties on 1 August 1996. The first session of the Tribunal was held from 1 to 31 October 1996 and was devoted to organizational matters. The ceremonial inauguration of the Tribunal took place on 18 October 1996. At the first session the Tribunal established the Chamber of Summary Procedure.

2. At its second organizational session (3-28 February 1997), the Tribunal established the Seabed Disputes Chamber, a Chamber for Fisheries Disputes and a Chamber for Marine Environment Disputes. The work of the second, third (2-29 April 1997) and fourth (6-31 October 1997) sessions was primarily devoted to the consideration of the draft Rules of the Tribunal, together with the internal judicial practice and guidelines to assist parties appearing before the Tribunal. The Tribunal also established four committees to advise on its internal organization: the Budget and Finance Committee, the Committee on Rules and Judicial Practice, the Committee on Staff and Administration and the Committee on Library and Publications.

3. At its fourth session the Tribunal completed work on the organization of its judicial procedures with the adoption of the Rules of the Tribunal, Guidelines concerning the Preparation and Presentation of Cases before the Tribunal and the Resolution on the Internal Judicial Practice of the Tribunal.

4. On 13 November 1997, the first case (the M/V Saiga case) was submitted to the Tribunal. This was an application for the prompt release of the M/V Saiga and its crew under article 292 of the Convention. This case had to be dealt with by the expeditious procedure provided for in the Convention and the Rules of the Tribunal. In accordance with the Rules, the Tribunal was convened on 20 November 1997. It deliberated, held the oral proceedings and delivered its judgement on 4 December 1997, 21 days after the receipt of the application.

5. The Tribunal now has before it a second case (the M/V Saiga (No. 2) case), which is deemed to have been submitted on 22 December 1997. The Tribunal has already dealt with an incidental proceeding in the case, in the form of a request for provisional measures under article 290 of the Convention, which was submitted on 13 January 1998. The Tribunal was convened on 16 February 1998 and the Order for provisional measures was delivered on 11 March 1998.

6. The resource requirements of the Tribunal in 1999 will be determined largely by the number and the nature of the cases submitted to it. On the basis of the experience gained in its general work and especially in dealing with the two proceedings so far, the Tribunal is able more accurately to assess the budgetary requirements of its work during 1999. The Tribunal already has had experience and dealt with the functions involved with the receipt of applications, the filing and processing of memorials, counter-memorials, responses and replies, deliberations and oral hearings, and drafting and delivering of judgements and orders. It is now taking up a full case submitted to it on the merits.

7. In considering the work programme and the budget resources requested, account needs to be taken of the fact that the Tribunal is responsible for its own administrative and financial management, with no support from a parent organization. In the first year of its functional phase, the Tribunal operated with the limited staff and resources provided for an organizational phase. The actual developments in the work, including the proceedings in the cases already dealt with during this period, have clearly shown that neither the staff nor the financial resources provided were adequate.

8. The budget proposals for 1999 are presented in such a way as to distinguish between, on the one hand, the resources needed for the Tribunal to undertake its non-judicial functions and, on the other hand, the resources required to deal with the M/V Saiga (No. 2) case and other applications which may be submitted during the year. For 1999 the Tribunal considers it prudent to make provision for at least two applications involving expeditious proceedings. The Tribunal proposes that any of the funds appropriated for cases in 1999 which are not utilized for that purpose in the year should be credited to the proposed Working Capital Fund (see paras. 9 and 95-97).

9. The Tribunal is convinced that, to ensure that its operations are efficient and cost-effective, as directed by the Meeting of States Parties, it will be necessary for it to have a Working Capital Fund at the appropriate level. Such a fund would enable it to deal with cases whenever they are submitted and ensure that the financial operations are transparent and in accordance with the normal requirements of the applicable regulations and practices. In particular, it would avoid situations in which it is faced with the alternatives of either failing to deal with a case in accordance with the requirements of the Statute and the Rules of the Tribunal or being obliged to discharge its obligations by exceeding the resources available to it.

II. WORK PROGRAMME AND BUDGET OF THE TRIBUNAL (JANUARY-DECEMBER 1999)

Part One

Work to be undertaken by the Tribunal during 1999

10. As reported in paragraphs 11 to 12 below, the Tribunal was faced with difficult choices at the end of 1997. This was first of all the result of cash-flow problems caused by the failure of many States Parties to pay their assessed contributions. As can be seen from annex I to the present document, the total of unpaid contributions for 1996-1997 as at 31 December 1997 amounted to $888,590 out of a total budget of $6,170,900 (as approved in document SPLOS/L.1).

11. The second reason for the financial difficulty in 1997 was that the first case was submitted to the Tribunal in November 1997, just two weeks after the end of the Tribunal's session, when all the judges had returned to their respective locations. According to the Rules of the Tribunal, which had just been adopted, the case was required to be dealt with by the expeditious proceedings provided for in the Rules of the Tribunal. Accordingly, the whole

proceedings had to be concluded by the end of the year. This resulted in expenditure over and above the appropriations available in the budget approved for 1996-1997.

12. It will be recalled that a contingency provision for dealing with cases, in the sum of $409,100, was included in the budget appropriations for 1996-1997. With the approval of the Seventh Meeting of States Parties in May 1997, part of this provision was allocated to meet the cost of a meeting of the Tribunal in October 1997 in order to complete work on the Rules of the Tribunal and other related matters. The Meeting of States Parties decided that the unspent balance of the contingency amount, anticipated to be $119,100, should be allocated to the budget for 1998 to be used to deal with a case that might be submitted during that year. However, as indicated above, the proceedings in the case submitted in November 1997 had to be completed before the end of 1997. The Tribunal was obliged to deal with the case according to a strict schedule set out in the Convention and the Rules. This resulted in additional and unforeseen expenses, which in turn led to the exhaustion of the whole of the amount of $119,100 which had been expected to be carried forward from 1997 to 1998. In addition, further obligations amounting to $213,704 were incurred. Accordingly, approval of a revised appropriation for 1997 in the sum of $332,804 is requested of the Meeting of States Parties.

13. The programme of work for the Tribunal for 1999 envisages meetings of the Tribunal at the seat of the Tribunal for 20 weeks of meetings involving all the judges and 4 weeks of meetings of the Drafting Committee to prepare the judgement in the M/V Saiga (No. 2) case. The cost of a four-week meeting of the Drafting Committee of five judges is estimated at an amount approximately equivalent to a one-week meeting of the full bench of the Tribunal.

14. The frequency and duration of meetings during the year are to a great extent dictated by the number and nature of the cases submitted to the Tribunal and the requirements of the Statute, the Rules of the Tribunal and the Resolution on the Internal Judicial Practice, as they apply to those cases.

15. In 1999, the Tribunal will devote four weeks of meetings to non-judicial work, two weeks each in the spring and autumn. In spring, the Tribunal will consider, inter alia, the budget proposals for the year 2000 as well as other matters on which proposals or recommendations are to be submitted to the Meeting of the States Parties in 1999. In the autumn, the Tribunal will meet to elect its President and Vice-President and to establish the Seabed Disputes Chamber, the Chamber of Summary Procedure and other chambers, as appropriate. Consideration will also be given to the annual report, the Yearbook and the organization and arrangements for the judicial work in 2000, including the timetables for the proceedings in cases. It will also have to plan and organize its move to the new premises.

16. For dealing with the M/V Saiga (No. 2) case the Tribunal, on the basis of the experience gained so far, considers that a minimum of nine weeks of meetings will be needed by the Tribunal as a whole and four weeks of meetings by the Drafting Committee (computed as one week of the full Tribunal).

17. According to the timetable agreed between the parties in case No. 2 which has been confirmed by the Tribunal in its Order of 20 February 1998, the final written pleadings of the parties will be submitted by 11 December 1998. After the closure of the written proceedings the Tribunal is required, according to its Rules and the Resolution on the Internal Judicial Practice, to meet for deliberations or hearings in 1999 as follows:

(a) The Tribunal will meet for initial deliberations (article 68 of the Rules). The initial deliberations are to be held after the closure of the written proceedings and before the date fixed for the oral proceedings. These deliberations are designed to enable judges to exchange views concerning the written pleadings and the conduct of the case and thus prepare themselves for the hearings. In particular, the judges have to consider and approve any indications to the parties as to the points they should address or to any further evidence to be produced;

(b) The length of the hearings will be determined by the complexity of the case, taking into consideration that each party should have enough time to present its arguments. The hearing will be followed by the first deliberation to reach the decision of the Tribunal and to establish the Drafting Committee in accordance with article 6 of the Resolution on the Internal Judicial Practice;

(c) The Drafting Committee will prepare the first draft of the judgement following which the Tribunal will meet. Based upon the experience gained so far, the Tribunal will need considerable time at this meeting for its deliberations and the finalization of the judgement.

18. The Tribunal is operating on the basis that the session of the Tribunal to be held in the spring of 1999 to deal with non-judicial business will be held in conjunction with the meetings on the M/V Saiga (No. 2) case during February and March. This will reduce the costs of travel of judges (see para. 30).

19. Additionally, the Tribunal considers it necessary to make provision for two possible cases requiring expeditious proceedings. In the light of the Rules of the Tribunal on such cases and the experience gained so far in the two cases already dealt with, these cases will require no less than seven weeks between them. As indicated in paragraph 8, the resources appropriated for these cases, if not required in 1999, will be credited to the Working Capital Fund proposed to be established in 1999.

20. This approach is essential to enable the Tribunal to deal with cases as and when they are submitted to it. The alternative would be to request the convening of a Special Meeting of States Parties when developments in the caseload make it necessary to have additional resources. The Meeting of States Parties has noted the possibility of such meetings and agreed on the mechanism for that purpose. However, this procedure might not be appropriate or indeed feasible. Apart from the substantial cost implications for the States Parties, it is unlikely that any additional appropriations agreed at such a meeting would be available for the Tribunal at the time needed, since some States might not be able to make the required contributions until the assessments have been approved and provided for in their national budgets.

Part Two

Estimates of recurrent expenditure

A. Members of the Tribunal

1. Remuneration and allowances

21. Pursuant to the decision of the Meeting of States Parties, the maximum annual remuneration of a judge is fixed at $145,000, based on the agreed comparator.[1]

22. The Meeting of States Parties also decided that, with the exception of the President, the annual remuneration of judges will consist of three elements:

(a) An annual allowance payable monthly. This is one third of the overall annual remuneration of $145,000 i.e. $48,333.33 for the year;

(b) Special allowance for each day that a judge is engaged on the business of the Tribunal;

(c) Subsistence allowance for each day that a judge attends meetings of the Tribunal at the seat of the Tribunal.

Judges may also be paid special allowance for preparatory work undertaken by them before meetings of the Tribunal, up to a maximum of four weeks for each meeting of four weeks' duration. Subsistence allowance is also payable to judges when they undertake business in connection with the Tribunal away from the normal place of residence up to a minimum of two weeks for each period of four weeks of preparatory work.

23. The budget for 1998 provided for special allowance for preparatory work of four weeks per meeting for 20 judges, and subsistence allowance for preparatory work for two weeks per meeting for up to 10 judges, each to be paid on the authorization of the President. The 1998 budget provision was calculated on the basis of a total of eight weeks of meetings. On this basis, and taking into account the projected meeting weeks in 1999, it is proposed that provision be made for special allowance for preparatory work for not more than 10 weeks each for 20 judges, and subsistence allowance for preparatory work for not more than five weeks each for up to 10 judges. As in 1998, payment will be subject to authorization by the President.

24. The total of these allowances, together with the annual allowance, should not exceed the overall remuneration package of $145,000 for each judge for the year, as fixed by the Meeting of States Parties on the basis on the agreed comparator.

25. The President is required to reside at the seat of the Tribunal and is entitled to receive an annual remuneration of $145,000. In addition, the President is paid a special allowance of $15,000 per annum. The President is not entitled to special allowance or subsistence allowance for attendance at

meetings. Provision is also made for the common costs in relation to the President.

26. Pursuant to article 18, paragraph 3, of the Statute, the Vice-President shall receive a special allowance for each day on which he acts as President. The rate for this allowance is $94 per day.

2. Computation of budgetary estimates

27. The budgetary estimates for the remuneration and allowances of judges for 1999 have been computed on the basis that four weeks of meetings will be devoted to work other than proceedings on cases, and 17 weeks will be used to deal with cases (see the calculation in para. 13). As indicated above (para. 8), it is proposed that the appropriations for cases which are not utilized for that purpose in 1999 should be credited to the Working Capital Fund.

3. Judges' Pension Scheme

28. Provision is made to cover the pension, disability and related benefits of retiring judges or surviving spouses. Article 18, paragraph 7, of the Statute provides that "regulations adopted at meetings of the States Parties shall determine the conditions under which retirement pensions may be given to members of the Tribunal and to the Registrar". The Tribunal is submitting recommendations on the matter to the Meeting of States Parties. These take into account the arrangements currently applicable to the judges of the International Court of Justice. The provision proposed for the pension scheme of the judges represents the amount that will be required to meet obligations in respect of the seven judges whose terms expire in 1999. Any appropriations not utilized for this purpose in 1999 will be credited to the Pension Fund. This is contingent on the approval of the proposed pension scheme by the Meeting of the States Parties.

4. Travel of judges to sessions

29. The provision proposed to cover the travel costs of judges to attend meetings of the Tribunal in 1999 is $240,000. Of this, $120,000 is for travel to meetings not necessarily related to proceedings in cases. The same amount ($120,000) is proposed for travel to meetings to deal with cases. Again it is proposed that the appropriations for travel in connection with cases, if not utilized, should be credited to the Working Capital Fund.

30. The estimates for the travel of judges have been calculated on the basis that judges will travel four times to the seat of the Tribunal. This is on the assumption that it will be possible to schedule meetings in such a way as to enable the Tribunal to undertake some of its non-judicial tasks at meetings convened to deal with cases.

5. Remuneration and other costs in respect of judges ad hoc and experts

31. Judges ad hoc and experts appointed under article 289 of the Convention may be needed if a case or dispute being dealt with by the Tribunal during 1999 requires their appointment. For that reason the estimated costs for judges ad hoc and experts in the amount of $94,990 have been included in the draft budget. It is proposed that the appropriation not utilized shall be credited to the Working Capital Fund.

6. Total budgetary provision for judges

32. The total provision for the remuneration and allowances is $2,596,000.

B. Staff of the registry

1. Established posts[2]

33. The Registry of the Tribunal is the administrative organ of the Tribunal. It consists of the Registrar and a Deputy Registrar and other staff appointed by the Tribunal or by the Registrar with the approval of the President. The Registry provides legal and other technical support for the Tribunal in all aspects of its work. It is also responsible for the management of the Tribunal's finances, accounts, archives and document and library services.

34. In reviewing the administrative arrangements and structure of the Registry, the Third Meeting of States Parties considered that, after the initial period from 1 August 1996 to 31 December 1997, the levels and functions of the posts of the Registry during the functional phase should follow closely the staff structure of the International Court of Justice.

35. The Registry provides all the needed support and all assistance required by the Tribunal for dealing with cases submitted to it.

36. An important function of the Registry is the computation and collection of the contributions to be made by States Parties and other entities to the expenses of the Tribunal, pursuant to article 19 of the Statute of the Tribunal and the relevant decisions of the Meetings of States Parties. In addition, the Registry maintains the accounts and prepares reports thereon to the Tribunal, the external auditors and the Meetings of States Parties.

37. The Registry also maintains relations with the United Nations and other international organizations and deals with agencies of government in the host country as also with States Parties.

38. The budget for 1999 provides for 14 posts in the Professional and higher categories and 22 posts in the General Service category. The corresponding figures in the 1998 budget are 11 for the Professional and higher categories and 16 for the General Service category.

2. Post requirements

(a) Criteria

39. After a critical review of its staff requirements based on the principle of cost-effectiveness, the Tribunal has concluded that an increase in the staff of the Registry is necessary in order to secure the effective discharge of its mandate. In the light of experience since August 1996 and taking into account the fact that it is now necessary to commence the establishment of the institutional framework for a permanent judicial institution, the Tribunal is of the view that the additional posts proposed are the minimum essential.

40. The workload that can now be anticipated for the Tribunal can only be dealt with if it has appropriate permanent staff. Although the Tribunal will, as it has done in the past, make use of temporary staff whenever possible, there are limits to this approach. In the first place it is difficult to find in Hamburg a pool of appropriately qualified persons to undertake ad hoc and for the short term the functions needed at the Professional level. Moreover, it is not realistic to expect that many suitably qualified persons in New York or Geneva will agree to accept appointment in Hamburg on a temporary basis. The experience during the organizational phase has shown that the need for Professional legal and administrative support is much greater than was provided for in the budget for 1998.

41. The same is true, on the whole, for General Service staff.

42. For these reasons the Tribunal proposes the following additional staff which it considers to be essential for it to fulfil its functions effectively:

(b) Legal

43. Experience so far has proved that the legal staff of the Registry are very much overburdened during periods when the Tribunal is meeting, as they are also required to see to the ongoing legal work of the Tribunal, which is often urgent.

44. The legal work comprises preparation and support for the three different aspects of the work of the Tribunal, as well as the dissemination of information as follows:

(i) Work relating to cases

45. In the period leading up to a hearing, the legal staff conduct research and prepare background briefing papers and pertinent information on relevant legal issues. They also service the Tribunal during its pre-hearing meetings. When the Tribunal sits, the legal staff serve as secretaries to the Tribunal and oversee the receipt of documentation submitted by the parties and ensure that it conforms to the Rules of the Tribunal.

46. The legal staff also provide support to the Tribunal in the drafting of formal parts of the judgements, finalize the verbatim transcripts of the proceedings and oversee the archiving.

(ii) Work in connection with non-judicial matters

47. The legal staff provide services to the meetings of the Tribunal and its committees by, inter alia, preparing background materials and working papers and maintaining records of the meetings. They analyse and research legal questions arising during the course of the meetings.

(iii) Work between meetings of the Tribunal

48. Owing to the increased workload while the Tribunal is in session, much of the general legal work needs to be dealt with during the intersessional periods. This work includes review of the service contracts and legal issues relating to the Tribunal's establishment and activities in the host country.

49. Developments in international law, in particular innovations in dispute settlement procedures, require constant review by the Tribunal. The legal staff support the Tribunal in this respect.

50. The legal staff provide the reporting and publishing functions, particularly the preparation and drafting of annual reports and the Yearbook of the Tribunal. Contributions to public research and the fulfilment of requests by the General Assembly or the United Nations on matters such as the United Nations Decade of International Law are also carried out by the legal staff of the Tribunal.

(iv) Dissemination of information

51. In addition, the legal staff are responsible for preparing press releases and ensuring that information on all aspects of the work of the Tribunal is made accessible to States Parties, the international legal community, the academic community and the public. Reporting and publication of the record of cases is also necessary.

52. In order to respond to the increasing workload of the legal staff, an additional Professional post is proposed:

Legal Officer P-4

53. The functions of this post would encompass two areas:

(a) To review and formulate procedures, draft contracts, assess the legal implications of host country arrangements and deal with matters concerning staff, contracting external staff, etc.;

(b) To support the Registrar in keeping abreast of ongoing activities - administrative, substantive, procedural. Also to provide research, review and prepare reports on sensitive and confidential matters, assist in his interaction with the judges, agents and counsel in cases, and to provide for the requirements of the President and the judges.

(c) Administration

54. The Registry services the Tribunal, which is an autonomous international judicial body without a parent organization. As such it does not receive any external administrative support in performing the diverse array of administrative functions, many of which entail financial and fiscal accountability.

55. The new posts proposed at the Professional level are:

Internal Audit Officer P-3

56. The requirement for auditing and setting up controls, checks and balances and complying with standard practices with respect to contributions, investment, budget performance review, accounting, procurement and contracting of services must be underscored and provision made for a suitable post. The requirements of the Financial Regulations and recent experience have demonstrated the need to maintain supervision of internal accounting controls. In addition, this post will serve to ensure the optimal use of resources through the ongoing evaluation of activities. The Internal Audit Officer will work under the direct supervision of the Registrar - in accordance with the common practice in many international organizations.

Systems Administrator/Database Manager P-3

57. The incumbent will have responsibility for computer networking, archiving, audiovisual displays, recording, transcript preparation, electronic communications and information systems (including teleconferencing, remote case-filing and other forms of automation), managing and maintaining databases and developing and maintaining electronic public access (Web site).

58. The staffing table for the Professional posts is contained in annex II to the present document.

(d) General Service posts

59. The new posts proposed at the General Service level are:

Administrative Assistant (Principal level) G-7

60. The post of Administrative Assistant provided in the budget for 1996-1997 and retained in the budget for 1998 has had to be utilized for the urgent function of Contributions Assistant. This is a function arising from the decision that the Tribunal should be responsible for the collection of assessed contributions from States Parties. The function should normally be undertaken by an official at the Professional level assisted by at least two persons at the General Service level but is currently being performed at the principal level by the Administrative Assistant.

61. For these reasons there is need for a new post of Administrative Assistant (General) to perform the functions originally envisaged in the budget for 1998.

62. This post will have the following additional functions:

(a) To deal with the substantial workload involved in fulfilling governmental requirements such as processing of internal travel, visas, etc. for judges, staff, counsel, witnesses, and for reservations, comparative cost evaluation and contracting airline and surface travel, freight, etc.;

(b) To arrange short-term accommodation for judges to assist both short-term and continued staff with matters relating to the local situation at the seat and with linguistic needs and to assist parties, experts and witnesses in this regard.

Legal Assistant (Secretary to support the legal officers) G-4

63. Responsibility would be to support the legal officers.

Linguistic/Conference Secretaries (two posts) G-4/G-5

64. Responsibility would be to provide assistance in preparation of documents, in English and French, for meetings of the judges and to assist with the typing of notes, opinions and draft judgements.

Administrative Assistant (Pension/Tax/Social security) G-4/G-5

65. This post would have two main functions:

(a) To fulfil requirements of the host country agreement in processing tax reimbursement claims; processing income tax filings; reporting on staff and other information and dealing with the federal ministries of foreign affairs and justice and with the Hamburg Senate and the Justice Department in implementing and coordinating the host country arrangements;

(b) To prepare, process and maintain pension records and maintain monthly reports and transmit the same together with payments to the United Nations Joint Staff Pension Fund and the German Federal Ministry of Labour and Social Affairs.

Distributions Clerk G-3

66. The responsibilities will be to distribute documents and other material within the Tribunal and between the Tribunal and various contacts in the host country and to transmit documents to parties in cases. The official will also assist with work relating to building management. Currently there is a post of Receptionist/Messenger, but experience has shown that these two functions cannot adequately be performed by one person.

67. The staffing table for the General Service posts is contained in annex III to the present document. A table comparing the post requirements for the previous periods to the post requested in 1999 is contained in annex IV.

3. Common staff costs

68. Common staff costs are made up of various entitlements of the staff, including pension contributions,[3] social security contributions,[4] [5] and various allowances. The applicable standard percentage[6] of the total remuneration for the staff has been applied. Using this percentage the common staff costs for the established posts proposed for the Registry in 1999 will be $784,700.

4. General temporary assistance

69. Since the Tribunal is not expected to be in continuous session, it does not have available the full complement of permanent staff to support the work on cases. Thus it is necessary to resort to temporary assistance to provide some of the services needed. Upon receipt, memorials, counter-memorials, responses and replies must be processed and duplicated for transmission to judges and the parties in the case. In addition, they need to be translated, reformatted if necessary and prepared for the archives, as required by the Statute and the Rules of the Tribunal. This involves a workload of immense proportions, with strict timetables for completion, all of which cannot be met without substantial temporary assistance. The appropriations proposed for this purpose are $110,000 for work before and after meetings to deal with cases, and $37,650 for work during meetings of the Tribunal in connection with proceedings on cases.

5. Overtime

70. The nature of the work of the Tribunal, and in particular the need to work in a limited number of sessions, make it unavoidable that staff will be required to work beyond the official working hours during meetings. Since the pool of regular staff is minimal to meet these exigencies, it is not always possible to grant compensatory time off to staff in lieu of overtime. Accordingly, adequate provision needs to be made for overtime payments. The provision proposed is $24,000 for non-judicial meetings and $28,000 for meetings to deal with cases.

C. Representation allowance

71. Representation allowance is payable to the President, the Registrar and the Deputy Registrar in accordance with the practice of the United Nations. The provision proposed is $7,600.

D. Official travel

72. The provision is to cover the costs of travel of the President and, as necessary, judges and the Registrar and staff on official business of the Tribunal. The appropriation proposed for official travel is $82,000.

E. Communications

73. The expenses for the communication of the Tribunal include costs of postage and courier services; local and long-distance telephone; facsimile services; telex and other electronic means of communication, such as E-mail, Internet and access to databases.

74. They also include the costs of services to enable the judges to communicate both with the Registry and among themselves at their individual locations by means of telephone, facsimile and appropriate networking facilities. Experience has shown that costs increase during periods when the deliberations on cases are prepared. The amount proposed for the general communications requirement of the Tribunal for 1999 is $101,000; and in connection with cases, $65,000.

F. Supplies and materials

75. This provision is to cover the costs of office and other supplies, materials and services. The amount proposed for non-case related purposes ($43,000) represents a reduction compared with the previous period. A provision of $34,000 is proposed for dealing with cases.

G. Printing (documents and publications)

76. This is to cover the costs of producing and publishing documents and other material, such as judgements and pleadings of cases and for disseminating widely other documentation such as the Yearbook, the annual report, the Rules of the Tribunal and regulations on various subjects. The general provision proposed is $40,000; which is maintained at the level for the previous period. An additional amount of $6,000 is proposed for materials to be used in connection with proceedings on cases.

H. Conference services

77. The Tribunal does not employ conference personnel on a permanent basis. In line with the practice of other international judicial institutions, these services are contracted as necessary.

78. The provision proposed is to cover the costs of emoluments and travel of interpreters, revisers, translators, verbatim record keepers, audio equipment operators and additional linguistic typists, contracted specially for meetings, including deliberations of judges and hearings. The provision would also cover the costs of other conference-related staff such as courtroom clerk, messengers and meeting services.

79. The provision in the estimates has been computed in the light of experience, given the absence of a pool of such staff in Hamburg. The provision proposed for non-judicial activities is $73,750, and $332,324 for dealing with cases.

I. Maintenance of premises

80. The provision is to cover the costs of maintenance of premises. These include the routine repairs or replacement of minor items, the maintenance of security equipment and costs of electricity, heating, water, sewerage, cleaning and similar services. It is proposed to maintain the appropriation at the previous level in the light of experience. The amount proposed is $140,000.

81. It is anticipated that the Tribunal will move into its permanent premises at the beginning of 2000. The costs involved will therefore be met in the budget for that year. However, if it becomes necessary to move in 1999, substantial expenses will be required, and a request for supplementary appropriations may have to be submitted to the Meeting of States Parties.

J. Rental and maintenance of equipment

82. It has proved more economical to rent items of equipment for use by the Tribunal, instead of purchasing. Besides alleviating the demands on capital outlays, the costs of maintenance resulting from outright purchase are also avoided.

83. This arrangement has been adopted in respect of the official vehicle of the Tribunal, audiovisual facilities and other equipment such as photocopying machines and computers for short-term use by judges.

84. Provision is also needed to cover the maintenance costs of equipment. An important component of these expenses is the cost of insurance cover. It is proposed to maintain the appropriation at the existing level based on experience to date. The amount proposed is $141,400.

K. Hospitality

85. The provision is to cover hospitality requirements of the Tribunal. It reflects a slight increase over the previous period on account of the anticipated requirements of extending hospitality to representatives of parties and agents and high-ranking visitors. The appropriation requested is $6,500.

L. External audit

86. This is to defray the costs of external audit of the accounts of the Tribunal. In accordance with the practice of organizations and agencies of the United Nations system, arrangements have been made for the accounts of the Tribunal to be audited by a suitable external body or institution. For this purpose the Tribunal has appointed an external auditor. A total of $10,000 is proposed to cover the costs of external audit.

M. Library. Procurement of books and publications

87. The ready availability of suitable library facilities at its headquarters is an indispensable condition for the effective operation of the Tribunal and those who appear before it. The judges and the staff of the Registry, as well as States and entities which may appear as parties before the Tribunal, require at their disposal a comprehensive collection of literature on public international law, the law of the sea, maritime law, commercial law, mining law and environmental law. Given the scope of jurisdiction of the Tribunal, the library should also include basic material on non-legal matters. Although the law libraries in the area of the seat of the Tribunal can be of assistance and will be used as much as possible, they cannot adequately meet the needs of the Tribunal. They do not contain literature on all the matters relevant to the work of the Tribunal and they are primarily intended for the use of the faculty and students of the University of Hamburg. Moreover, there are logistic constraints on the extent to which judges and other personnel of the Tribunal can have access to the libraries for their work.

88. Both the Preparatory Commission and the General Assembly of the United Nations emphasized the need for the establishment of the Library of the Tribunal and making it operational as soon as possible. This was also endorsed by the Meeting of States Parties. Specific budgetary provisions are included for this purpose in the budget for 1998.

89. It is proposed that the budget should again include both an annual provision for the normal operational costs of the library as well as provision to meet the start-up costs of the library, i.e., resources for the acquisition of basic reference material, including major treatises, official documents and important journals and periodicals, with back copies, as appropriate. The funds appropriated for 1998 seem to be adequate and also necessary. It is therefore proposed to allocate once again $60,000 for the procurement of books and $60,000 for start-up costs of the library. The Seventh Meeting of States Parties approved in principle the ongoing need during the first five years to appropriate an equivalent sum of $60,000 per year for each of these purposes.

N. Miscellaneous services

90. The provision is to cover the costs of miscellaneous services needed by the Tribunal where such costs may not appropriately be charged to any of the specific headings of the budget. It includes such items of expense as bank charges, adjustment for currency fluctuation and overnight or expeditious messenger and delivery services. The estimates proposed for 1999 are $36,000 for non-judicial activities and $18,830 in connection with cases.

Part Three

Non-recurrent expenditure

A. Purchase of equipment

91. The estimates of non-recurrent expenditures are based on the requirements of the Tribunal in terms of "specialty" office equipment (data-processing, storage and retrieval systems, etc.). They take into account the experience of the Tribunal during the start-up period and the special circumstances prevailing in Germany.

92. Account is also taken of the fact that judges need to be able to prepare documents and to communicate directly and conveniently with the Registry as well as with the other judges at their different locations. To enable them to do so, it is proposed that provision be made for the appropriate equipment, such as computers, peripherals, fax machines and database connections.

93. The provision includes the costs for the acquisition of network equipment and a financial database (hardware and software) as well as computer equipment for judges and senior officials of the Registry, in view of the limited secretarial services available to them. The provision proposed reflects a slight increase over the appropriation for 1998. The proposed appropriation is $145,000.

B. Special equipment for the Library

94. In addition to the provision for the operational costs of the library and the start-up costs, provision is needed to meet the costs of specialized equipment and installations, such as computers, including those with CD-ROMs, scanners, microfiche readers, etc. These are normally purchased on a one-time basis. The amount proposed for this purpose is $25,000.

Part Four

Working Capital Fund

95. A working capital fund is a common feature of the budgetary systems of many international organizations in order to ensure continuity of operation in the event of a temporary shortfall in funds. Experience has shown that delays in the payment by States Parties of their contributions can result in serious shortfalls, especially at the beginning and end of the budgetary period. Annex I shows the contributions outstanding at the end of 1997. The first case dealt with by the Tribunal very clearly proved the necessity of a Working Capital Fund since the Tribunal was obliged to use funds received in payment of 1998 contributions in order to fulfil its obligations under the Statute. A working capital fund would also serve another purpose, which pertains particularly to the Tribunal. Such a fund would provide it with the necessary financial means to meet without delay to consider cases, in particular those requiring expeditious proceedings.

96. Generally the level of the working capital fund is set as a percentage of the overall budget. For the purposes of the Tribunal the appropriate percentage would appear to be approximately 8 per cent. On this basis the working capital fund of the Tribunal would be approximately $640,000. However, the Tribunal does not consider it necessary to establish the fund in a single step. For this reason it is proposed that the initial advance to the fund for 1999 should be $100,000. This is on the basis that, as recommended by the Tribunal, appropriations in the 1999 budget for dealing with cases which are not utilized for that purpose should be credited to the Working Capital Fund.

97. A provision of $100,000 is proposed for the start of the Working Capital Fund.

98. A table of the administrative expenses of the Tribunal is contained in annex V.

Notes

[1] The remuneration of a Judge of the International Court of Justice.

[2] For the purposes of the estimates, the rates of remuneration and other entitlements of the staff have been calculated on the basis of the applicable rates of the United Nations common system using the Standard Costs Version 7 applicable to The Hague, which has been used previously.

[3] The provision is to cover the Tribunal's share of the contributions to the United Nations Joint Staff Pension Fund in respect of the Registrar and other staff. The Tribunal's contribution represents two thirds of the total contribution payable in respect of each participating staff member.

[4] An interim provision is needed to enable the Tribunal to contribute to the payments to be made to the German social security scheme by the staff members who are nationals or residents of Germany, pending the conclusion of the Headquarters Agreement which will exempt them from mandatory contributions to the German scheme.

[5] Also included are contributions to the German Social Security System for local staff.

[6] The percentage, as determined by the Budget Division of the United Nations, is 33.4 per cent.

Annex I

International Tribunal for the Law of the Sea

Status of contributions - 1996/97

(as at 31 December 1997)

(In United States dollars)

State/entity	Assessed contributions for the 1996/97 budget of $6,170,900 as revised[a]	Balance due 1996/97 (assessment as at 31 December 1997)
Algeria	17 430	
Angola	1 087	
Antigua and Barbuda	1 087	1 087.00
Argentina	52 291	
Australia	161 232	
Austria	94 590	
Bahamas	2 178	
Bahrain	2 178	
Barbados	1 087	709.00
Belize	1 087	
Benin	161	161.00
Bolivia	1 087	1 087.00
Bosnia and Herzegovina	1 182	1 182.00
Botswana	1 087	
Brazil	176 484	114 758.00
Brunei Darussalam	1 875	
Bulgaria	8 810	
Cameroon	1 087	1 087.00
Cape Verde	1 087	1 087.00
Chile	2 172	2 172.00
China	80 425	80 425.00
Comoros	1 087	1 087.00

/...

State/entity	Assessed contributions for the 1996/97 budget of $6,170,900 as revised[a]	Balance due 1996/97 (assessment as at 31 December 1997)
Cook Islands	1 087	1 087.00
Costa Rica	1 087	1 087.00
Côte d'Ivoire	1 087	1 087.00
Croatia	9 802	
Cuba	5 540	0.00
Cyprus	3 266	
Czech Republic	27 613	17 708.00
Democratic Republic of the Congo	1 087	1 087.00
Djibouti	1 087	
Dominica	1 087	1 087.00
Egypt	8 338	6 557.00
Equatorial Guinea	325	325.00
Fiji	1 087	
Finland	67 450	
France	698 920	
Gambia	1 087	1 087.00
Georgia	12 265	12 265.00
Germany	986 333	
Ghana	1 087	
Greece	41 398	
Grenada	1 087	1 087.00
Guatemala	1 304	1 304.00
Guinea	1 087	1 087.00
Guinea-Bissau	1 087	1 087.00
Guyana	1 087	1 087.00
Haiti	1 087	1 087.00
Honduras	1 087	
Iceland	3 266	
India	33 770	

/...

State/entity	Assessed contributions for the 1996/97 budget of $6,170,900 as revised[a]	Balance due 1996/97 (assessment as at 31 December 1997)
Indonesia	15 253	
Iraq	15 253	15 253.00
Ireland	22 876	
Italy	569 946	
Jamaica	1 087	
Japan	1 696 773	
Jordan	1 087	823.00
Kenya	1 087	1 087.00
Kuwait	20 697	
Lebanon	1 087	
Malaysia	13 130	
Mali	1 087	1 087.00
Malta	1 087	
Marshall Islands	1 087	823.00
Mauritania	1 087	1 087.00
Mauritius	1 087	
Mexico	85 967	
Micronesia (Federated States of)	1 087	
Monaco	1 087	
Mongolia	1 087	1 087.00
Mozambique	591	591.00
Myanmar	1 087	
Namibia	1 087	642.00
Nauru	1 087	1 087.00
Netherlands	173 119	
New Zealand	26 147	
Nigeria	12 170	5 171.00
Norway	61 008	
Oman	4 358	

/...

State/entity	Assessed contributions for the 1996/97 budget of $6,170,900 as revised[a]	Balance due 1996/97 (assessment as at 31 December 1997)
Pakistan	39 116	39 116.00
Palau	936	936.00
Panama	1 087	1 087.00
Papua New Guinea	709	709.00
Paraguay	1 087	
Philippines	6 537	
Portugal	3 013	3 013.00
Republic of Korea	89 235	
Romania	10 666	9 028.00
Russian Federation	253 055	253 055.00
Saint Kitts and Nevis	1 087	
Saint Lucia	1 087	1 087.00
Saint Vincent and the Grenadines	1 087	1 087.00
Samoa	1 087	
Sao Tome and Principe	1 087	1 087.00
Saudi Arabia	77 726	77 726.00
Senegal	1 087	
Seychelles	1 087	1 087.00
Sierra Leone	1 087	1 087.00
Singapore	15 253	12 007.00
Slovakia	8 810	
Slovenia	7 624	5 983.00
Solomon Islands	379	379.00
Somalia	1 087	1 087.00
South Africa	1 721	1 721.00
Spain	169 256	169 256.00
Sri Lanka	1 087	823.00
Sudan	1 087	1 087.00
Sweden	133 903	

/...

State/entity	Assessed contributions for the 1996/97 budget of $6,170,900 as revised[a]	Balance due 1996/97 (assessment as at 31 December 1997)
The former Yugoslav Republic of Macedonia	1 087	17.50
Togo	1 087	1 087.00
Tonga	1 087	1 087.00
Trinidad and Tobago	3 361	
Tunisia	3 266	
Uganda	1 087	1 087.00
United Kingdom	173 340	0.00
United Republic of Tanzania	1 087	1 087.00
Uruguay	4 358	4 358.00
Viet Nam	1 087	823.00
Yemen	1 087	823.00
Yugoslavia	10 989	10 989.00
Zambia	1 087	
Zimbabwe	1 087	
Total due on assessed contributions		888 590.00

[a] Revision based on a change in the number of States Parties: 109 at the end of 1996, and 123 at the end of 1997.

Annex II

Designations and staffing structure of the Professional staff covering the period 1 January-31 December 1999

Level	Function	Number of posts	1999 US$[a]
ASG	Registrar	1	152 900
D-2	Deputy Registrar	1	143 000
P-5	Head of Administration and Management	1	108 900
P-4	Librarian/Head of Publications and Archives	1	105 000
P-4	Head of Budget and Finance	1	105 000
P-4	Head of Conference and Linguistic Services	1	105 000
P-4	Translator/Reviser	1	105 000
P-4	Legal Officer	1	105 000
P-4	Legal Officer	1	56 100
P-3	Legal Officer/Information	1	75 900
P-3	Internal Audit Officer	1	40 600
P-3	Systems Administrator/Database Manager	1	40 600
P-2	Contributions Officer/Budget	1	73 600
P-2	Associate Legal Officer/Research	1	73 600
	Total	14	1 290 200

[a] Costing based on United Nations Standard Costs (Version 7).

Annex III

Designations and staffing structure of the General Service staff covering the period 1 January-31 December 1999

Level	Function	1999 US$[a]
Principal level (5)		
	Administrative Assistant (Contributions and Accounts)	65 100
	Computer Systems Assistant	65 100
	Personal Assistant to the President	65 100
	Personal Assistant to the Registrar	65 100
	Administrative Assistant (General Administration)	44 500
Other levels (17)		
	Personnel Assistant	51 400
	Finance Assistant (Accounts Payable/Payroll)	51 400
	Senior Security Officer	51 400
	Information/Documentation Assistant	51 400
	Conference Service Assistant	51 400
	Secretary to Deputy Registrar	51 400
	Judiciary Support (Conference Typing Assistant)	51 400
	Judiciary Support (Conference Typing Assistant)	51 400
	Legal Assistant (Secretary to Legal Office)	27 500
	Pension/Tax Assistant	27 500
	Linguistic/Conference Secretary	27 500
	Linguistic/Conference Secretary	27 500
	Security Officer/Driver	51 400
	Library/Documents Assistant	51 400
	Caretaker/Building Superintendent	51 400
	Receptionist	51 400
	Distributions Clerk	27 500
	Total	1 059 200

[a] Costing based on United Nations Standard Costs (Version 7).

/...

Annex IV

Comparison of post requirements of the registry

POSTS APPROVED FOR 1996/97

ASG	D-2	D-1	P-5	P-4	P-3	P-2/1	Total Professional and above	General Service (Principal level)	General Service (Other level)	Total General Service	Grand total
1	1		1	1	1	2	7	3	11	14	21

POSTS APPROVED FOR 1998

ASG	D-2	D-1	P-5	P-4	P-3	P-2/1	Total Professional and above	General Service (Principal level)	General Service (Other level)	Total General Service	Grand total
1	1		1	5	1	2	11	4	12	16	27

POSTS REQUESTED IN 1999

ASG	D-2	D-1	P-5	P-4	P-3	P-2/1	Total Professional and above	General Service (Principal level)	General Service (Other level)	Total General Service	Grand total
1	1		1	6	3	2	14	5	17	22	36

Annex V

Administrative expenses of the Tribunal covering the period 1 January-31 December 1999

(In United States dollars)

Objects of expenditure	1996-1997 budget	Budget for 1998	Standing costs for 1999	Additional costs for 1999 cases	Total 1999
RECURRENT EXPENDITURE					
Remuneration of judges	2 452 600				
Annual allowances		1 971 330	1 175 090		1 175 090
Special allowances			363 500	1 199 750	1 563 250
Travel of judges to sessions		250 000	120 000	120 000	240 000
Judges pension scheme			29 167		29 167
Judges ad hoc and experts (including travel)				94 990	94 990
Established posts	2 050 000	1 794 688	2 349 400		2 349 400
Common staff costs	63 000	624 551	784 700		784 700
General temporary assistance	107 000	87 000	110 000	37 650	147 650
Overtime	24 500	20 000	24 000	28 000	52 000
Representation allowance	3 100	7 000	7 600		7 600
Official travel	150 000	82 000	82 000		82 000
Communications	53 900	137 000	101 000	65 000	166 000
Supplies and materials	46 600	50 600	43 000	34 000	77 000
External printing and binding	37 800	40 000	40 000	6 000	46 000
Temporary assistance for meetings	116 900	149 600	73 750	332 324	406 074

Objects of expenditure	1996-1997 budget	Budget for 1998	Standing costs for 1999	Additional costs for 1999 cases	Total 1999
Maintenance of premises	143 400	140 000	140 000		140 000
Rental and maintenance of equipment	141 400	141 400	141 400		141 400
Hospitality	4 200	3 000	6 500		6 500
Special services (external audit)		3 000	10 000		10 000
Library - procurement of books and publications		60 000	60 000		60 000
Start-up costs of library		60 000	60 000		60 000
Miscellaneous services (including bank charges)	2 900	6 000	36 000	18 830	54 830
NON-RECURRENT EXPENDITURE					
Furniture and equipment					
1. Purchase of equipment	173 000	90 000	145 000		145 000
2. Purchase of special equipment		50 000	25 000		25 000
WORKING CAPITAL FUND			100 000		100 000
CONTINGENCY	409 100				
START-UP	191 500				
TOTAL	6 170 900	5 767 169	6 027 107	1 936 544	7 963 651

Total budget: $7,963,651.

SPLOS/WP.6
1 April 1998

ORIGINAL: ENGLISH

MEETING OF STATES PARTIES
Eighth meeting
New York, 18-22 May 1998

DRAFT FINANCIAL REGULATIONS OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

Prepared by the Tribunal

Introductory note

Pursuant to the decision of the 5th meeting of States Parties authorizing the International Tribunal for the Law of the Sea to establish its own financial rules and regulations, which are to be submitted to the Meeting of States Parties for consideration, the Tribunal adopted the present Draft Financial Regulations. The Tribunal presently applies the Financial Regulations and Rules of the United Nations mutatis mutandis in accordance with the decision of the 4th meeting of States Parties.

To the extent possible, the Draft Financial Regulations are based on the Financial Regulations of the United Nations (ST/SGB/Financial Rules/1/Rev.3).

98-09287 (E)

CONTENTS

Regulation		Page
1.	Applicability	3
2.	The financial period	3
3.	The budget	3
4.	Appropriations	4
5.	Provision of funds	5
6.	Funds	6
7.	Other income	7
8.	Custody of funds	8
9.	Investment of funds	8
10.	Internal control	8
11.	The accounts	9
12.	Audit	10
13.	Decisions involving expenditures	10
14.	General provisions	11
Annex.	Additional terms of reference governing the audit of the International Tribunal for the Law of the Sea	12

DRAFT FINANCIAL REGULATIONS OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

Regulation 1

Applicability

1.1 These Regulations shall govern the financial administration of the International Tribunal for the Law of the Sea.

1.2 For the purposes of these Regulations:

(a) "Budget and Finance Committee" means the Committee established as such by the Tribunal;

(b) "Convention" means the United Nations Convention on the Law of the Sea of 10 December 1982 together with the Agreement of 28 July 1994 relating to the implementation of Part XI of the United Nations Convention;

(c) "Meeting of States Parties" means the Meeting of States Parties to the Convention;

(d) "Registrar" means the Registrar of the International Tribunal for the Law of the Sea;

(e) "Rules" means the Rules of the Tribunal;

(f) "Statute" means the Statute of the International Tribunal for the Law of the Sea, Annex VI to the Convention.

Regulation 2

The financial period

2.1 The financial period shall consist of two consecutive calendar years, beginning with the year 2000. Until then the financial period shall consist of one calendar year.

Regulation 3

The budget

3.1 The draft budget for each financial period shall be prepared by the Registrar.

3.2 The draft budget shall cover income and expenditures for the financial period to which they relate and shall be presented in United States dollars.

3.3 The draft budget shall be divided into parts, sections and, as appropriate, programmes. It shall be accompanied by such information, annexes and

explanatory statements as may be requested by or on behalf of the Meeting of States Parties, including a brief statement on the main changes in comparison with the budget of the previous financial period and such further annexes or statements as the Registrar may deem necessary and useful.

3.4 The Registrar shall submit the draft budget for the following financial period to the Budget and Finance Committee before the end of February of the year preceding the financial period for examination. The Budget and Finance Committee shall transmit the draft budget proposed by the Registrar to the Tribunal, with its comments and recommendations.

3.5 The Tribunal shall consider and approve the draft budget for the following financial period. The proposed budget as approved by the Tribunal shall be submitted to the Meeting of States Parties for consideration and adoption.

3.6 Supplementary budget proposals may be submitted by the Registrar whenever necessary. They shall be prepared and, as far as possible, submitted in accordance with the procedure set out in paragraphs 1 to 5.

3.7 The Registrar may enter into commitments for future financial periods, provided that such commitments:

(a) Are for activities which have been approved by the Meeting of States Parties and are expected to continue beyond the end of the current financial period; or

(b) Are authorized by specific decisions of the Tribunal acting with the prior approval of the Meeting of States Parties.

Regulation 4

Appropriations

4.1 The appropriations adopted by the Meeting of States Parties shall constitute an authorization for the Registrar to incur obligations and make payments for the purposes for which the appropriations were adopted and up to the amounts adopted.

4.2 Appropriations shall be available for obligation during the financial period to which they relate.

4.3 Appropriations shall remain available for twelve months following the end of the financial period to which they relate to the extent that they are required to discharge obligations in respect of goods supplied and services rendered in the financial period and to liquidate any other outstanding legal obligation of the financial period. Any unused balance of the appropriations shall be surrendered.

4.4 At the end of the twelve-month period provided in regulation 4.3, the then remaining balance of any appropriations retained will be surrendered. At that time, any unliquidated obligations of the financial period in question shall be

cancelled or, where the obligation remains a valid charge, transferred as an obligation against current appropriations.

4.5 No transfer between appropriation sections may be made without authorization by the Tribunal, which shall give an explanation on the necessity for such a transfer to the Meeting of States Parties.

Regulation 5

Provision of funds

5.1 The funds of the Tribunal shall include:

(a) Assessed contributions made by States Parties in accordance with article 19, paragraph 1, of the Statute;

(b) Contributions by the International Seabed Authority in accordance with article 19, paragraph 1, of the Statute;

(c) Contributions by other entities in accordance with article 19, paragraph 2, of the Statute;

(d) Voluntary contributions made by States Parties, States, the International Seabed Authority or other entities;

(e) Such other funds to which the Tribunal may become entitled or may receive.

5.2 The appropriations, subject to the adjustments effected in accordance with the provisions of regulation 5.3, shall be financed by contributions from States Parties in accordance with an agreed scale of assessment. Pending the receipt of such contributions, the appropriations may be financed from the working capital fund.

5.3 The contributions of States Parties and the International Seabed Authority shall be assessed on the basis of the appropriations approved by the Meeting of States Parties for that financial period, except that adjustments shall be made to the assessments in respect of:

(a) Supplementary appropriations for which contributions have not previously been assessed on States Parties;

(b) Contributions resulting from the assessment of new States Parties under the provisions of regulation 5.9;

(c) Any balance of the appropriations surrendered under regulations 4.3 and 4.4.

5.4 After the Meeting of States Parties has adopted or revised the budget and determined the amount of the working capital fund, the Registrar shall:

(a) Transmit the relevant documents to the States Parties and the International Seabed Authority;

(b) Inform the States Parties and the International Seabed Authority of their commitments in respect of annual contributions and advances to the working capital fund;

(c) Request them to remit their contributions and advances.

5.5 Contributions and advances shall be considered as due and payable in full within thirty days of the receipt of the communication of the Registrar referred to in regulation 5.4, or as of the first day of the calendar year to which they relate, whichever is the later. As of 1 January of the following calendar year, the unpaid balance of such contributions and advances shall be considered to be one year in arrears.

5.6 Annual contributions and advances to the working capital fund shall be assessed and paid in United States dollars.

5.7 Payments made by a State Party shall be credited first to the working capital fund and then to the contributions due, in the order in which the State Party was assessed.

5.8 The Registrar shall submit to each Meeting of States Parties a report on the collection of contributions and advances to the working capital fund.

5.9 New States Parties shall be required to make contributions for the year in which they become States Parties and to provide their proportion of the total advances to the working capital fund at rates to be determined by the Meeting of States Parties.

5.10 Contributions of entities other than a State Party or the International Seabed Authority to the expenses of the Tribunal shall be treated as miscellaneous income.

Regulation 6

Funds

6.1 There shall be established a general fund for the purpose of accounting for the administrative expenditures of the Tribunal. The contributions paid under regulation 5.1 by States Parties and miscellaneous income and any advances made from the working capital fund to finance administrative expenditures shall be credited to the general fund.

6.2 There shall be established a working capital fund in an amount and for purposes to be determined from time to time by the Meeting of States Parties. The working capital fund shall be constituted by advances from States Parties. Advances shall be made in accordance with an agreed scale of assessment based upon the scale used for the regular budget. Advances shall be carried to the credit of States Parties which have made such advances.

6.3 Advances made from the working capital fund to finance budgetary appropriations shall be reimbursed to the fund as soon as and to the extent that income is available for that purpose.

6.4 Except when such advances are recoverable from some other source, advances made from the working capital fund for unforeseen and extraordinary expenses or other authorized purposes shall be reimbursed through the submission of supplementary budget proposals.

6.5 Income derived from investments of the working capital fund shall be credited to miscellaneous income.

6.6 Trust funds, reserve and special accounts may be established by the Registrar and shall be reported to the Tribunal.

6.7 The purpose and limits of each trust fund, reserve and special account shall be clearly defined by the appropriate authority. Unless otherwise decided by the Meeting of States Parties, such funds and accounts shall be administered in accordance with the present Regulations.

Regulation 7

Other income

7.1 All other income except:

(a) Contributions to the budget;

(b) Voluntary contributions made by States Parties, other States and the International Seabed Authority or other entities;

(c) Direct refunds of expenditures made during the financial period;

(d) Revenue derived from staff assessment,

shall be classed as miscellaneous income, for credit to the general fund.

7.2 Voluntary contributions, whether or not in cash, may be accepted by the Registrar, provided that the Tribunal is satisfied that the purposes for which the contributions are made are consistent with the nature and functions of the Tribunal. Acceptance of contributions which directly or indirectly involve additional financial liability for the Tribunal shall require the consent of the Meeting of States Parties.

7.3 Contributions accepted for purposes specified by the donors shall be treated as trust funds or special accounts.

7.4 Contributions in respect of which no purpose is specified shall be treated as miscellaneous income and reported as "gifts" in the accounts of the financial period.

Regulation 8

Custody of funds

The Registrar shall designate the bank or banks in which the funds of the Tribunal shall be kept.

Regulation 9

Investment of funds

9.1 The Registrar may make short-term investments of moneys not needed for immediate requirements and shall inform the Tribunal periodically of such investments.

9.2 Income derived from investments shall be credited to miscellaneous income or as provided in the rules relating to each fund or account.

Regulation 10

Internal control

10.1 The Registrar shall:

(a) Establish detailed financial rules and procedures in order to ensure effective financial administration and the exercise of economy;

(b) Cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the services or goods have been received and that payments have not previously been made;

(c) Designate the officers who may receive moneys, incur obligations and make payments on behalf of the Tribunal;

(d) Maintain an internal financial control which shall provide for effective current examination and/or review of financial transactions in order to ensure:

(i) The regularity of the receipt, custody and disposal of all funds and other financial resources of the Tribunal;

(ii) The conformity of obligations and expenditures with the appropriations or other financial provisions voted by the Meeting of States Parties, or with the purposes and rules relating to trust funds and special accounts;

(iii) The economic use of the resources of the Tribunal.

10.2 Obligations for the current financial period or commitments for current and future financial periods shall be incurred only after allotments or other

appropriate authorizations have been made in writing under the authority of the Registrar.

10.3 The Registrar may make such ex gratia payments as he deems to be necessary in the interest of the Tribunal, provided that a statement of such payments shall be submitted to the Meeting of States Parties with the accounts.

10.4 The Registrar may, after full investigation, authorize the writing-off of losses of cash, stores and other assets, provided that a statement of all such amounts written off shall be submitted to the auditors with the accounts.

10.5 Substantial purchases of equipment, supplies and other requirements as specified in the Rules shall be by tender. Such tenders shall be invited by advertisement, except where the Registrar, with the approval of the President, deems that, in the interests of the Tribunal, a departure from the rule is desirable.

Regulation 11

The accounts

11.1 The Registrar shall submit accounts for the financial period. In addition, he shall maintain, for management purposes, such accounting records as are necessary. The accounts for the financial period shall show:

(a) The income and expenditures of all funds;

(b) The status of appropriations, including:

(i) The original budget appropriations;

(ii) The appropriations as modified by any transfers;

(iii) Credits, if any, other than the appropriations adopted by the Meeting of States Parties;

(iv) The amounts charged against those appropriations and/or other credits;

(c) The assets and liabilities of the Tribunal.

The Registrar shall also give such other information as may be appropriate to indicate the current financial position of the Tribunal.

11.2 The accounts of the Tribunal shall be presented in United States dollars. Accounting records may, however, be kept in such other currency as the Registrar may deem necessary.

11.3 Appropriate separate accounts shall be maintained for all trust funds and special accounts.

11.4 The accounts for the financial period shall be submitted by the Registrar to the Auditors not later than 31 March following the end of the financial period.

Regulation 12

Audit

12.1 The Tribunal shall appoint an independent auditor which shall be an internationally recognized firm of auditors. The independent auditor shall be appointed for a period of four years and may be reappointed.

12.2 The audit shall be conducted in conformity with generally accepted common auditing standards and in accordance with the additional terms of reference set out in the annex to these Regulations.

12.3 The Auditor may make observations with respect to the efficiency of the financial procedures, the accounting system, the internal financial controls and, in general, the administration and management of the Tribunal.

12.4 The Auditor shall be completely independent and solely responsible for the conduct of the audit.

12.5 The Tribunal may request the Auditor to perform certain specific examinations and issue separate reports on the results.

12.6 The Registrar shall provide the Auditor with the facilities required in the performance of the audit.

12.7 The Auditor shall issue a report on the audit of the financial statements and relevant schedules relating to the accounts for the financial period, which shall include such information as the Auditor deems necessary with regard to matters referred to in regulation 12.3 and in the additional terms of reference.

12.8 The Tribunal shall examine the financial statements and the audit reports and shall forward them to the Meeting of States Parties, with such comments as it deems appropriate.

Regulation 13

Decisions involving expenditures

13.1 Where, in the opinion of the Registrar, the proposed expenditure cannot be made from the existing appropriations, it shall not be incurred until the Meeting of States Parties has made the necessary appropriations or unless the Registrar certifies that provision can be made under the conditions of the applicable decision of the Meeting of States Parties relating to unforeseen and extraordinary expenses.

Regulation 14

General provisions

14.1 These Regulations shall become effective on 1 July 1998 and shall apply to the financial period 1999 and to subsequent financial periods.

14.2 These Regulations may be amended by the Meeting of States Parties, taking into consideration the views of the Tribunal.

ANNEX

Additional terms of reference governing the audit of the International Tribunal for the Law of the Sea

1. The Auditor shall perform such audit of the accounts of the Tribunal, including all trust funds and special accounts, as it deems necessary in order to satisfy itself:

(a) That the financial statements are in accord with the books and records of the Tribunal;

(b) That the financial transactions reflected in the statements have been in accordance with the financial rules and regulations, the budgetary provisions and other applicable directives;

(c) That the securities and moneys on deposit and on hand have been verified by certificates received direct from the Tribunal's depositaries or by actual count;

(d) That the internal controls, including internal oversight, are adequate in the light of the extent of reliance placed thereupon.

2. The Auditor shall be the sole judge as to the acceptance in whole or in part of certifications and representations by the Registrar and may proceed to such detailed examination and verification as it chooses of all financial records, including those relating to supplies and equipment.

3. The Auditor and its staff shall have free access at all convenient times to all books, records and other documentation which, in the opinion of the Auditor, are necessary for the performance of the audit. Information which is classified as privileged and which the Registrar (or his designated senior official) agrees is required by the Auditor for the purposes of the audit and information classified as confidential shall be made available on application. The Auditor and its staff shall respect the privileged and confidential nature of any information so classified which has been made available and shall not make use of it except in direct connection with the performance of the audit. The Auditor may draw the attention of the Tribunal and the Meeting of States Parties to any denial of information classified as privileged which, in its opinion, was required for the purpose of the audit.

4. The Auditor shall have no power to disallow items in the accounts but shall draw the attention of the Registrar, for appropriate action, to any transaction for which it entertains doubt as to legality or propriety. Audit objections, to these or any other transactions, arising during the examination of the accounts shall be communicated immediately to the Registrar.

5. The Auditor (or such of its officers as it may designate) shall express and sign an opinion on the financial statements which shall read as follows:

"We have examined the following appended financial statements, numbered ... to ..., properly identified, and relevant schedules of the International Tribunal for the Law of the Sea for the financial period ended 31 December 19... Our examination included a general review of the accounting procedures and such tests of the accounting records and other supporting evidence as we considered necessary in the circumstances."

The opinion shall also state, as appropriate, whether:

(a) The financial statements present fairly the financial position as at the end of the period and the results of their operations for the period then ended;

(b) The financial statements were prepared in accordance with the stated accounting principles;

(c) The accounting principles were applied on a basis consistent with that of the preceding financial report;

(d) Transactions were in accordance with the financial regulations and legislative authority.

6. The report of the Auditor on the financial operations of the Tribunal for the financial period shall be submitted to the Meeting of States Parties through the Tribunal. It shall indicate:

(a) The type and scope of the Auditor's examination;

(b) Matters affecting the completeness and accuracy of the accounts, including, where appropriate:

(i) Information necessary to the correct interpretation of the accounts;

(ii) Any amounts which ought to have been received but which have not been brought to account;

(iii) Any amounts for which a legal or contingent obligation exists and which have not been recorded or reflected in the financial statements;

(iv) Expenditures not properly substantiated;

(v) Whether proper books of accounts have been kept - where in the presentation of statements there are deviations of a material nature from the generally accepted accounting principles applied on a consistent basis, these should be disclosed;

(c) Other matters which the Auditor considers should be brought to the notice of the Meeting of States Parties, such as:

(i) Cases of fraud or presumptive fraud;

(ii) Wasteful or improper expenditure of the Tribunal's money or other assets, notwithstanding that the accounting for the transaction may be correct;

(iii) Expenditure likely to commit the Tribunal to further outlay on a large scale;

(iv) Any defect in the general system or detailed regulations governing the control of receipts and disbursements or of supplies and equipment;

(v) Expenditure not in accordance with the intention of the Meeting of States Parties after making allowance for duly authorized transfers within the budget;

(vi) Expenditure in excess of appropriations as amended by duly authorized transfers within the budget;

(vii) Expenditure not in conformity with the authority which governs it;

(d) The accuracy or otherwise of the supplies and equipment records as determined by stock-taking and examination of the reports;

(e) If appropriate, transactions accounted for in a previous period concerning which further information has been obtained or transactions in a later period concerning which it seems desirable that the Meeting of States Parties should have early knowledge.

7. The Auditor may make such observations with respect to its findings resulting from the audit and such comments on the Registrar's financial report as it deems appropriate to the Meeting of States Parties, the Tribunal or the Registrar.

8. Whenever the scope of audit of the Auditor is restricted, or whenever it is unable to obtain sufficient evidence, it shall refer to the matter in its opinion and report, making clear in the report the reasons for its comments and the effect of the financial position and the financial transactions as recorded.

9. In no case shall the Auditor include criticism in its report without first affording the Registrar an adequate opportunity of explanation on the matter under observation.

10. The Auditor shall not be required to mention any matter referred to in the foregoing that, in its opinion, is insignificant in all respects.

SPLOS/WP.7
22 April 1998

ORIGINAL: ENGLISH

MEETING OF STATES PARTIES
Eighth meeting
New York, 18-22 May 1998

DRAFT PENSION SCHEME REGULATIONS FOR MEMBERS OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

Prepared by the Tribunal

Explanatory note concerning the draft Pension Scheme Regulations for members of the International Tribunal for the Law of the Sea

1. Article 18, paragraph 7, of the Statute of the International Tribunal for the Law of the Sea (annex VI to the United Nations Convention on the Law of the Sea) provides the following:

> "Regulations adopted at meetings of the States Parties shall determine the conditions under which retirement pensions may be given to members of the Tribunal and to the Registrar ..."

2. The corresponding provision of the Statute of the International Court of Justice (Article 32, paragraph 7) reads:

> "Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their travelling expenses refunded."

To implement this provision, the General Assembly of the United Nations adopted resolution 86 (I) on 11 December 1946, to which was annexed the Pension Scheme Regulations for members of the International Court of Justice.

3. The mandate of seven judges of the Tribunal who were elected on 1 August 1996 and chosen by lot to serve for a limited period, that is to say for only three years, will expire on 30 September 1999. Any judge who is not re-elected would be normally entitled, after this date, to receive a pension.

4. The Tribunal decided on 18 February 1998, in accordance with rule 6, paragraph (e), of the Rules of Procedure for Meetings of States Parties, to propose the inscription on the provisional agenda of the eighth Meeting of States Parties of an item concerning the question of the judges' retirement pension and to propose for consideration of the States Parties draft "Pension Scheme Regulations for members of the International Tribunal for the Law of the Sea".

5. The draft Pension Scheme proposed is similar to the current Pension Scheme Regulations for members of the International Court of Justice, as approved by successive resolutions of the General Assembly of the United Nations, the most recent of which is resolution 45/250 B of 21 December 1990.

DRAFT PENSION SCHEME REGULATIONS FOR MEMBERS OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

Article 1

Retirement pension

1. A member of the International Tribunal for the Law of the Sea who has ceased to hold office and who has reached the age of 60 shall be entitled during the remainder of his/her life, subject to paragraph 4, to a retirement pension, payable monthly, provided:

(a) That he/she has completed at least three years of service;

(b) That he/she has not been required to relinquish his/her appointment in accordance with article 9 of the Statute of the Tribunal for reasons other than the state of his/her health.

2. The amount of the retirement pension shall be determined as follows:

(a) If the member has served a full term of nine years, the amount of the annual pension shall be $50,000;

(b) If he/she has served for more than nine years, the amount of the retirement pension shall be increased by $250 for each month of service in excess of nine years provided that the maximum retirement pension shall not exceed $75,000;

(c) If he/she has served for less than a full term of nine years, the amount of the pension shall be that proportion of the annual pension which the number of months of his/her actual service bears to 108.

3. A member who ceases to hold office before the age of 60 and who would be entitled to a retirement pension when he/she reached that age may elect to receive a pension from any date after the date on which he/she ceases to hold office. Should he/she so elect, the amount of such pension shall be that amount which has the same actuarial value as the retirement pension which would have been paid to him/her at the age of 60.

4. No retirement pension shall be payable to a former member who has been re-elected to office until he/she again ceases to hold office. At that time, the amount of his/her pension shall be calculated in accordance with paragraph 2 on the basis of his/her total period of service and shall be subject to a reduction equal in actuarial value to the amount of any retirement pension paid to him/her before he/she reached the age of 60.

Article 2

Disability pension

1. A member found by the Tribunal to be unable to perform his/her duties because of permanent ill-health or disability shall be entitled upon leaving office to a disability pension payable monthly.

2. The amount of the disability pension shall be equal to the amount of the retirement pension which would have been payable to the member of the Tribunal concerned had he/she, at the time of leaving office, completed the term for which he/she had been elected, provided that it shall not be less than one half of the annual pension.

Article 3

Surviving spouse's pension

1. Upon the death of a married member, his/her surviving spouse shall be entitled to a surviving spouse's pension amounting to one half of the pension which he/she would have received had he/she become entitled to a disability pension at the time of his/her death, provided that the surviving spouse's pension shall not be less than one third of the annual pension.

2. Upon the death of a married former member who was in receipt of a disability pension, his/her surviving spouse, provided he/she was his/her spouse at the date his/her service ended, shall be entitled to a surviving spouse's pension amounting to one half of the pension which his/her spouse was receiving, provided that the surviving spouse's pension shall not be less than one third of the annual pension.

3. Upon the death of a married former member who was entitled to a retirement pension, his/her surviving spouse, provided he/she was his/her spouse at the date his/her service ended, shall be entitled to a surviving spouse's pension calculated as follows:

(a) If the former member had not begun, at the date of his/her death, to receive his/her retirement pension, the surviving spouse's pension shall amount to one half of the pension which would have been payable to him/her under article 1, paragraph 3, had he/she commenced to receive such pension on the date of his/her death, provided that the surviving spouse's pension shall not be less than one sixth of the annual pension;

(b) If the former member had begun to receive his/her retirement pension, under article 1, paragraph 3, before he/she reached the age of 60, the surviving spouse's pension shall amount to one half of the amount of such pension, but shall not be less than one sixth of the annual pension;

(c) If the former member had reached the age of 60 when he/she began to receive his/her retirement pension, the surviving spouse's pension shall amount to one half of his/her retirement pension, but shall not be less than one third of the annual pension.

4. A surviving spouse's pension shall cease on his/her remarriage.

Article 4

Child's benefit

1. Each child or legally adopted child of a member or former member who dies shall be entitled, while unmarried and under the age of 21, to a benefit calculated as follows:

(a) Where there is a surviving spouse entitled to a pension under article 3, the annual amount of the child's benefit shall be:

(i) Ten per cent of the retirement pension which the former member was receiving; or

(ii) If the former member had not begun, at the date of his/her death, to receive his/her retirement pension, 10 per cent of the pension which would have been payable to him/her under article 1, paragraph 3, had he/she commenced to receive such pension on the date of his/her death; or

(iii) In the case of the death of a member in office, 10 per cent of the pension which he/she would have received had he/she qualified for a disability pension at the date of his/her death;

provided, in all cases, that the amount of the child's benefit shall not exceed one eighteenth of the annual pension;

(b) Where there is no surviving spouse entitled to a pension under article 3, or where the surviving spouse dies, the total amount of the children's benefits payable under subparagraph (a) shall be increased by the following amount:

(i) If there is only one eligible child, by one half of the amount of the pension which was being paid or would have been paid to the surviving spouse;

(ii) If there are two or more eligible children, by the amount of the pension which was being paid or would have been paid to the surviving spouse;

(c) The total children's benefits payable under subparagraph (b) above shall be divided equally among all the eligible children to determine the amount of any one child's benefit; as and when a child ceases to be eligible, the total benefit payable to the remainder shall be recalculated in accordance with subparagraph (b).

2. The total amount of children's benefit, when added to the amount of any surviving spouse's benefit in payment, shall not exceed the pension which the member or former member received or would have received.

3. The age limit mentioned in paragraph 1 shall be waived if the child is incapacitated by illness or injury, and the benefit shall continue to be paid for as long as the child remains incapacitated.

Article 5

Definitions

1. "Member" means an elected member of the Tribunal in office.

2. "Annual pension" means the retirement pension referred to in article 1, paragraph 2 (a).

Article 6

Miscellaneous

1. Pensions provided for by these Regulations shall be calculated in terms of the currency in which the salary of the member concerned has been fixed by the Meeting of States Parties.

2. All pensions provided for by these Regulations shall be regarded as expenses of the Tribunal, within the meaning of article 19 of the Statute of the Tribunal.

3. The President of the Tribunal and the Registrar shall determine conditions for the application of article 4, paragraph 3, and, on the advice of a qualified actuary or actuaries, establish a table of actuarial reduction factors.

Article 7

Application and effective date

These Regulations shall be applicable as from 1 October 1996 to all members of the Tribunal on or after that date and to their eligible beneficiaries.

SPLOS/WP.8
29 April 1998

ORIGINAL: ENGLISH

MEETING OF STATES PARTIES
Eighth meeting
New York, 18-22 May 1998

REVISED BUDGET ESTIMATES OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA FOR 1996-1997

Prepared by the Tribunal

1. The Meeting of States Parties, at its Fourth Meeting, by its decision of 8 March 1996, approved and appropriated the amount of $6,170,900 for the International Tribunal for the Law of the Sea for the period from 1 August 1996 to 31 December 1997 (SPLOS/L.1).

2. The present report contains the budget performance report for the period from 1 August 1996 to 31 December 1997. Details are provided in annex I to the present estimates and show total expenditures and obligations in the amount of $6,527,764, exceeding the appropriation mentioned in paragraph 1 above by $356,864.

3. The budget appropriations for 1996-1997 included a contingency for expenses in connection with a case that might be submitted to the Tribunal in 1997. Subsequently, the Meeting of States Parties at its Seventh Meeting, on 23 May 1997, recorded its approval of the utilization of the contingency fund for expenses related to convening and holding a fourth session of the Tribunal in October 1997 (SPLOS/L.7, para. 2).

4. The expenses of the fourth session of the Tribunal are reflected in note 1 of annex II to the present estimates.

5. On 13 November 1997, a case was submitted under article 292 of the Convention and the Tribunal was urgently convened, in accordance with its Statute and Rules. As required of it, the Tribunal immediately fixed a hearing. Deliberations had to be commenced and the case concluded within a period of three weeks from the date of submission of the application. This meant that the case had to be concluded in 1997. The expenses and obligations of the case (Case No. 1) are reflected in note 2 to annex II.

6. No financial appropriation or reserve was available in 1997 to meet the costs incurred for the above case. Consequently the expenditures and obligations in respect of the Fourth Session, Case No. 1, and other costs exceeded the approved appropriations in the sum of $356,864.

7. The action proposed is the approval of the revised estimates and the appropriation of the additional sum of $356,864 for the budget of the International Tribunal for the Law of the Sea for 1996-1997.

Annex I

ADMINISTRATIVE EXPENSES OF THE TRIBUNAL COVERING
THE PERIOD 1 AUGUST 1996-31 DECEMBER 1997

Objects of expenditure	1996-1997 appropriations	1996-1997 expenditures and obligations	Savings/ (Overrun)
A. Recurrent expenditure			
Remuneration of judges	2 452 600	2 457 610	(5 010)
Established posts	2 050 000	1 438 273	611 727
Common staff costs	63 000	763 753	(700 753)
General temporary assistance	107 000	146 103	(39 103)
Overtime	24 500	24 414	86
Representation allowance	3 100	8 538	(5 438)
Official travel	150 000	196 578	(46 578)
Communications	53 900	93 611	(39 711)
Supplies and materials	46 600	39 281	7 319
External printing and binding	37 800	22 671	15 129
Temporary assistance for meetings	116 900	183 764	(66 864)
Maintenance of premises	143 400	101 820	41 580
Rental and maintenance of equipment	141 400	74 416	66 984
Hospitality	4 200	4 088	112
Miscellaneous services	2 900	57 526	(54 626)
B. Non-recurrent expenditure			
Purchase of equipment	173 000	149 199	23 801
C. Contingency	409 100	529 703	(120 603)
D. Start-up	191 500	236 417	(44 917)
Total	6 170 900	6 527 764	(356 864)

/...

Annex II

EXPLANATORY NOTES

Note 1

Costs of fourth session of the Tribunal

	United States dollars
Costs of fourth session	332 621
Expenses proposed by States Parties[a]	290 000
Differential	42 621

Note 2

Costs of Case No. 1

	$
Remuneration of judges	
Special and subsistence allowances	135 076
Travel of judges (for Case)	44 494
General temporary assistance	12 027
Overtime	14 181
Communications	6 574
Supplies and materials	2 825
External printing and binding	1 114
Temporary assistance for meetings	81 062
Rental and maintenance of equipment	2 862
Total	300 215

[a] The Meeting of States Parties approved the utilization of up to $290,000 from the contingency fund of $409,000 for expenses related to convening and holding a fourth session of the Tribunal in October 1997. The Meeting further approved the transfer of funds remaining from the contingency at the end of 1997 to the budget for 1998 for a case that might be submitted to the Tribunal in 1998 (SPLOS/L.7, para. 4).